HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.27024 of 2007

Order:

Heard learned counsel for the petitioner as well as the learned Government Pleader appearing for the respondents.

The petitioner is a licencee to vend toddy under Tree for Tappers Scheme. The grant of licence is governed by statutory rules framed under A.P. Excise Act, 1968 (for short 'the Act'). The licenced premises of the petitioner at Bandarupalli village of Togutta Mandal, Medak District was inspected by the Excise officials on 01-11-2007 at about 1.15 P.M. and samples were drawn. On the ground that the spot test conducted revealed adulteration of toddy with Chloral Hydrate, respondents have suspended the licence of the petitioner by proceedings in Cr.No.C5/738/2007 dated 01-11-2007. Thereafter, petitioner made representation on 17-11-2007 to send second sample to an independent laboratory for analysis. By letter dated 19-11-2007, issued in proceedings Cr.No.C5/738/2007, the Prohibition and Excise Superintendent, Medak addressed the Director, State Food Laboratory to send the second sample analysis report. The grievance of the petitioner is that though such report is awaited, respondents, in a hurried manner, are taking steps for cancellation of licence.

As much as the request of the petitioner to have the analysis report on the second sample bottle is acceded to, the question of passing any order of cancellation of licence even before receipt of such report will defeat the very request made by the petitioner.

As much as the licence is already suspended and the analysis report on the second sample bottle is awaited, I dispose of the writ petition directing the respondents not to initiate any proceedings for

cancellation of the licence of the petitioner, till the analysis report on the second sample bottle is received. However, it is made clear that on receipt of such report, it is open for the respondents to take further steps in accordance with the provisions of the Act and the rules made thereunder.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

December 18, 2007
N.B. Furnish C.C. in two days
B.O.
Msnr/MRR